

HOUSE BILL 38

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11r0311
CF SB 489

By: **Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker**

Introduced and read first time: January 17, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Nonpublic Schools ~~Accepting State Funds~~ Participating in State-Funded**
3 **Education Programs – Bullying, Harassment, and Intimidation – Policies**

4 FOR the purpose of requiring nonpublic schools that ~~accept State funds~~ participate in
5 State-funded education programs to adopt a policy prohibiting bullying,
6 harassment, and intimidation by a certain date; requiring the policy to include
7 certain provisions; encouraging a nonpublic school to develop the policy in
8 consultation with certain groups; encouraging a nonpublic school to publicize
9 the policy in a certain manner; encouraging a nonpublic school to develop
10 certain educational programs in its efforts to prevent bullying, harassment, and
11 intimidation; providing that certain nonpublic school employees who report acts
12 of bullying, harassment, or intimidation are not civilly liable under certain
13 circumstances; providing that this Act may not be construed to limit the legal
14 rights of a victim of bullying, harassment, or intimidation; defining certain
15 terms; and generally relating to policies prohibiting bullying, harassment, and
16 intimidation in nonpublic schools that ~~accept State funds~~ participate in
17 State-funded education programs.

18 BY adding to

19 Article – Education

20 Section 7-424.3

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Preamble

2 WHEREAS, The National Institutes of Health reports that bullying affects
3 more than 5 million students in grades 6 through 11; and

4 WHEREAS, According to the United States Department of Health and Human
5 Services, bullies identified by age 8 are six times more likely to have criminal
6 convictions by age 24; and

7 WHEREAS, The increased use of the Internet by students is presenting new
8 challenges regarding bullying in schools; and

9 WHEREAS, Bullying may lead to an increase in absenteeism or the dropout
10 rate; and

11 WHEREAS, Maintaining a safe environment in schools is integral to promoting
12 learning and success in students; now, therefore,

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 Article – Education

16 7-424.3.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) “BULLYING, HARASSMENT, AND INTIMIDATION” MEANS ANY
20 INTENTIONAL WRITTEN, VERBAL, OR PHYSICAL ACT, INCLUDING AN
21 ELECTRONIC COMMUNICATION, THAT:

22 (I) 1. PHYSICALLY HARMS AN INDIVIDUAL;

23 2. DAMAGES AN INDIVIDUAL’S PROPERTY;

24 3. SUBSTANTIALLY INTERFERES WITH AN
25 INDIVIDUAL’S EDUCATION OR LEARNING ENVIRONMENT; OR

26 4. PLACES AN INDIVIDUAL IN REASONABLE FEAR OF
27 HARM TO THE INDIVIDUAL’S PERSON OR PROPERTY; AND

28 (II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL
29 ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR

1 **2. SUBSTANTIALLY DISRUPTS THE ORDERLY**
2 **OPERATION OF A SCHOOL.**

3 **(3) “ELECTRONIC COMMUNICATION” MEANS A COMMUNICATION**
4 **TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A**
5 **TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.**

6 **(4) “NONPUBLIC SCHOOL” MEANS A NONPUBLIC SCHOOL THAT**
7 **~~ACCEPTS STATE FUNDS~~ PARTICIPATES IN STATE-FUNDED EDUCATION**
8 **PROGRAMS.**

9 **(5) “STANDARD” MEANS WITHIN EACH SCHOOL.**

10 **(B) BY MARCH 31, 2012, EACH NONPUBLIC SCHOOL SHALL ADOPT A**
11 **POLICY PROHIBITING BULLYING, HARASSMENT, AND INTIMIDATION.**

12 **(C) THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION**
13 **SHALL INCLUDE:**

14 **(1) A STATEMENT PROHIBITING BULLYING, HARASSMENT, AND**
15 **INTIMIDATION IN THE SCHOOL;**

16 **(2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION**
17 **AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR**
18 **INTIMIDATION;**

19 **(3) A DEFINITION OF BULLYING, HARASSMENT, AND**
20 **INTIMIDATION THAT IS EITHER THE SAME AS SET FORTH IN SUBSECTION (A) OF**
21 **THIS SECTION OR A DEFINITION THAT IS NOT LESS INCLUSIVE THAN THAT**
22 **DEFINITION;**

23 **(4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
24 **PERSONS COMMITTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION**
25 **AND FOR PERSONS ENGAGED IN REPRISAL OR RETALIATION, INCLUDING:**

26 **(I) SPECIFIC PENALTIES FOR PERSONS WHO REPEATEDLY**
27 **COMMIT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION; AND**

28 **(II) A REQUIREMENT THAT PERSONS WHO COMMIT ACTS OF**
29 **BULLYING, HARASSMENT, OR INTIMIDATION RECEIVE EDUCATIONAL AND**
30 **THERAPEUTIC SERVICES CONCERNING BULLYING PREVENTION;**

31 **(5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
32 **PERSONS FOUND TO HAVE MADE FALSE ACCUSATIONS;**

1 **(6) STANDARD PROCEDURES FOR REPORTING ACTS OF**
2 **BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING A CHAIN OF COMMAND**
3 **IN THE REPORTING PROCESS;**

4 **(7) STANDARD PROCEDURES FOR THE PROMPT INVESTIGATION**
5 **OF ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;**

6 **(8) STANDARD PROCEDURES FOR PROTECTING VICTIMS OF**
7 **BULLYING, HARASSMENT, OR INTIMIDATION FROM ADDITIONAL ACTS OF**
8 **BULLYING, HARASSMENT, OR INTIMIDATION, AND FROM RETALIATION; AND**

9 **(9) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES**
10 **AVAILABLE TO A STUDENT BULLY OR VICTIM AND ANY BYSTANDERS.**

11 **(D) A NONPUBLIC SCHOOL IS ENCOURAGED TO DEVELOP THE POLICY**
12 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN CONSULTATION WITH**
13 **THE FOLLOWING GROUPS:**

14 **(1) PARENTS OR GUARDIANS OF STUDENTS;**

15 **(2) SCHOOL EMPLOYEES AND ADMINISTRATORS;**

16 **(3) SCHOOL VOLUNTEERS; AND**

17 **(4) STUDENTS.**

18 **(E) A NONPUBLIC SCHOOL IS ENCOURAGED TO PUBLICIZE THE POLICY**
19 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN STUDENT HANDBOOKS,**
20 **ON THE SCHOOL'S WEBSITE, AND ANY OTHER LOCATION OR VENUE THE SCHOOL**
21 **DETERMINES IS NECESSARY OR APPROPRIATE.**

22 **(F) A NONPUBLIC SCHOOL IS ENCOURAGED TO DEVELOP THE**
23 **FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO PREVENT BULLYING,**
24 **HARASSMENT, AND INTIMIDATION:**

25 **(1) AN EDUCATIONAL BULLYING, HARASSMENT, AND**
26 **INTIMIDATION PREVENTION PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS,**
27 **AND PARENTS; AND**

28 **(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM**
29 **THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY**
30 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.**

31 **(G) AN EMPLOYEE OF A NONPUBLIC SCHOOL WHO REPORTS AN ACT OF**
32 **BULLYING, HARASSMENT, OR INTIMIDATION IN ACCORDANCE WITH THE**

1 NONPUBLIC SCHOOL'S POLICY ADOPTED UNDER SUBSECTION (B) OF THIS
2 SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR
3 FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN
4 ACCORDANCE WITH THE POLICY.

5 (H) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO
6 LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING, HARASSMENT, OR
7 INTIMIDATION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.